

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

RUSSELLVILLE LEGENDS, LLC

PLAINTIFF

v.

Case No. 4:19-CV-00524-BSM

**UNITED STATES ARMY CORPS
OF ENGINEERS, *et al.***

DEFENDANTS

ORDER

Defendants' motion to dismiss Russellville's inverse condemnation claim [Doc. No. 11] is granted, and that claim is dismissed without prejudice. Russellville's claim for damages is also dismissed by agreement. *See* Doc. No. 5. To the extent that defendants move to dismiss based on sovereign immunity or subject matter jurisdiction, the motion is denied because, as defendants acknowledge, the Administrative Procedure Act, 5 U.S.C. § 702, *et seq.*, (APA) "expressly waives sovereign immunity as to any action for nonmonetary relief brought against the United States." *Raz v. Lee*, 343 F.3d 936, 938 (8th Cir. 2003).

IT IS SO ORDERED this 25th day of September, 2020.



UNITED STATES DISTRICT JUDGE